

Commonwealth of Massachusetts

County of Suffolk
The Superior Court

1076

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CIVIL DOCKET# SUCV2005-02032

Sherwin Cooperstein, et al

vs.

Cape Cod Health Care Inc

Notice sent
10/26/2005

R. A. M.

M. & A.

G. S. S.

S. S. & K.

E. T. H.

S. & W.

A.A.

FINDING OF THE MEDICAL MALPRACTICE TRIBUNAL
(Pursuant to M.G.L. Chapter 231, Section 60(b) as amended)

The above entitled action came on for hearing before the appointed medical tribunal on **10/24/2005**, and was argued by counsel, and thereupon, upon consideration thereof, the plaintiff(s) offer of proof, pleadings, hospital records and other documents presented, the tribunal finds: (sc)

Mr * (1) For the plaintiff(s) Sherwin Cooperstein and that the evidence presented if properly substantiated is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

* (2) For defendant(s) / / / / / because the plaintiff(s) / / / / / action is merely an unfortunate medical result.

If a finding is made for the defendant or defendants in the above entitled action **the plaintiff may pursue the claim through the usual judicial process only upon filing bond in the amount of Six Thousand (\$6,000.00) Dollars in the aggregate** secured by cash or its equivalent with the Clerk/Magistrate of this court, payable to the defendant or defendants in said action for costs assessed, including witness and expert fees and attorneys fees if the plaintiff(s) does/do not prevail in the final judgment. The presiding justice may, with his/her discretion, increase the amount of the bond required to be filed. **If said bond is not posted within thirty (30) days of the tribunal's finding the action shall be dismissed.** Upon motion filed by the plaintiff(s), and a determination by the court that the plaintiff(s) is/are indigent said justice may reduce the amount of the bond but may not eliminate the requirement thereof.

Dated: 10/24/2005

Justice of the Superior Court

Legal Member:

Medical Member:

*strike inapplicable words

cm

Walter D. Hunt
Associate Justice of the Superior Court Dept.

William Fraby
Attorney - Tribunal Member

Robert A. [Signature]
*Physician - Tribunal Member

[Signature]
*Health Care Provider - Tribunal Member